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## **FACSIMILE COVER SHEET**

**DATE:** January 7, 2005  
**FILE NO:** ROC920010064US1  
**TO:** Examiner Andrew J. Fischer  
**FAX NO:** 703/872-9306  
**COMPANY:** USPTO  
**FROM:** Gero G. McClellan  
**PAGE(S) with cover:** 10  
**ORIGINAL TO FOLLOW?** ☐ YES ☒ NO

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL  
And  
PRELIMINARY AMENDMENT**

**U.S. SERIAL NO.:** 09/848,573  
**FILING DATE:** May 3, 2001  
**INVENTOR:** Bates et al.  
**EXAMINER:** Andrew J. Fischer  
**GROUP ART UNIT:** 3672  
**CONFIRMATION NO.:** 6820

### **CONFIDENTIALITY NOTE**

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PTO/SB/30 (08-03)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/048,573
Filing Date	May 3, 2001
First Named Inventor	Cary Lee Bates
Group Art Unit	3627
Examiner Name	Fischer, A.
Attorney Docket Number	ROC920010064US1

This is a Request for Continued Examination (RCE) under 37 C.F.R. 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 C.F.R. 1.114** Note: if the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the appeal brief or Reply brief previously filed on \_\_\_\_\_

ii. ☒ Other- Applicant's request that the Response to Final Office Action Mailed December 8, 2004 not be entered and consider the Preliminary Amendment filed herewith.

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other
- Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(f) required)

b. ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 09-0465

i. ☒ RCE fee required under 37 C.F.R. 1.17(e)

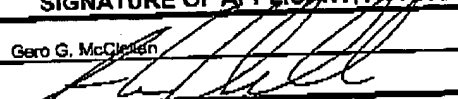
ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)

iii. ☒ Other - \$50 for one dependent claim in excess of 20

b. ☐ Check in the amount of \$\_\_\_\_\_ enclosed


c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Gero G. McClellan	Registration No. (Attorney/Agent)	44,227
Signature		Date	January 7, 2005

## CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence and the documents referred to as attached therein are being facsimile transmitted to the U.S. Patent and Trademark Office to the fax number 703-872-9306 to the attention of Examiner Andrew J. Fischer on the date below:

Name (Print/Type)	Gero G. McClellan	Date	January 7, 2005
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.